

1 GARMAN TURNER GORDON LLP
2 GREGORY E. GARMAN
3 Nevada Bar No. 6665
4 E-mail: ggarmann@gtg.legal
5 WILLIAM M. NOALL
6 Nevada Bar No. 3549
7 E-mail: wnoall@gtg.legal
8 TERESA M. PILATOWICZ
9 Nevada Bar No 9605
10 E-mail: tpilatowicz@gtg.legal
11 DYLAN T. CICILIANO
12 Nevada Bar No. 12348
13 E-mail: dciciliano@gtg.legal
14 7251 Amigo Street, Suite 210
15 Las Vegas, Nevada 89119
16 Telephone (725) 777-3000
17 Facsimile (725) 777-3112
18 *Attorneys for Defendants*

19 **UNITED STATES BANKRUPTCY COURT**

20 **DISTRICT OF NEVADA**

In re:	Case No.: 22-14422-NMC
MUSCLEPHARM CORPORATION,	Chapter 11
Debtor.	
WHITE WINSTON SELECT ASSET FUNDS, LLC,	Adv. P. No. 23-01014-NMC
Plaintiff,	
THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS,	
Intervenor Plaintiff,	
v.	
EMPERY TAX EFFICIENT LP, EMPERY TAX EFFICIENT III, EMPERY DEBT OPPORTUNITY FUND, LP, EMPERY MASTER ONSHORE, LLC, IONIC VENTURES, LLC, INTRACOASTAL CAPITAL LLC, BIGGER CAPITAL FUND, LP, DISTRICT 2 CAPITAL FUND LP, L1CAPITAL GLOBAL OPPORTUNITIES MAASTER FUND, ALTIUM GROWTH FUND, LP, CVI INVESTMENT INC., ROTH CAPITAL PARTNERS, LLC, and WALLEYE OPPORTUNITY MASTER FUND LTD.	

1 Defendants.

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3 **SECOND STIPULATION TO EXTEND DEADLINE TO FILE AMENDED**

4 **INTERVENOR COMPLAINT AND RESPOND TO COMPLAINTS**

5 Defendants Empery Tax Efficient LP, Empery Tax Efficient III, Empery Debt Opportunity

6 Fund, LP, Empery Master Onshore, LLC, Ionic Ventures, LLC, Intracoastal Capital LLC, Bigger

7 Capital Fund, LP, District 2 Capital Fund LP, L1Capital Global Opportunities Master Fund,

8 Altium Growth Fund, LP, CVI Investment Inc., Roth Capital Partners, LLC, and Walleye

9 Opportunity Master Fund Ltd (together, the “Empery Parties”),¹ White Winston Select Asset

10 Funds, LLC (“White Winston”), and the Official Committee of Unsecured Creditors (the

11 “Committee” and, together with the Empery Parties and White Winston the “Parties”), by and

12 through their respective undersigned counsel, hereby stipulate as follows:

13 1. On December 15, 2022, MusclePharm Corporation (the “Debtor”) filed its

14 voluntary petition for relief under Chapter 11, thereby commencing the above-captioned Chapter

15 11 case (the “Chapter 11 Case”). See Case No. 22-14422-NMC, ECF No. 1.

16 2. On March 8, 2023, the Bankruptcy Court entered the *Final Order Regarding*

17 *Emergency Motion for Interim and Final Orders Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, and*

18 *364 and Fed. R. Bankr. P. 4001(B) and 4001(D): (I) Authorizing the Debtor to Obtain Post-*

19 *Petition Financing; (II) Granting Priming Liens and Administrative Expense Claims; (III)*

20 *Determining Adequate Protection; (IV) Modifying the Automatic Stay; and (V) Granting Related*

21 *Relief [Bankr. Docket No. 296] (the “Final DIP Order”) in the Chapter 11 Case. Id.*, at ECF No.

22 296.

23 3. Paragraph 4 of the Final DIP Order provides as follows:

24 **Approval of the Challenge Periods.** The Committee shall have until April 10,

25 2023 (such period, the “Committee Challenge Period”) to investigate and challenge

26 and otherwise object to the allowance of the Allowed Claim (defined below). The

27 Releases (included in this Final Order and which are included in the Loan

28 Documents) are not a defense to a claim objection brought by the Committee during

the Committee Challenge Period. White Winston shall have until March 9, 2023

¹ The Empery Parties specially appear for the sole purpose of entering into this stipulation, but do not waive any defenses or other challenges to the Complaint and/or Amended Complaint.

(such period, “White Winston Challenge Period,” and together with the Committee Challenge Period, the “Challenge Periods”) to investigate, challenge and otherwise object to the allowance of the Allowed Claim (other than challenges and objections based upon the Debtor’s or the Estate’s claims). . .

4. On March 9, 2023, White Winston filed a complaint (the “Complaint”) thereby commencing the above-captioned adversary proceeding. See ECF No. 1.

5. The Empery Parties' response to the White Winston Complaint was due on or before April 10, 2023 (the "Response Deadline").

6. On April 4, 2023, this Court entered an *Order Granting Emergency Motion of the Official Committee of Unsecured Creditors to Intervene in Adversary Proceeding* [ECF No. 29];

7. Empery was advised of an intent to file an amended intervenor complaint (the “Amended Complaint”) within the Committee Challenge Period, which was April 10, 2023.

8. The Parties then met and conferred and agreed to extend the deadline for the filing of the Amended Complaint up to and including April 24, 2023, and that the filing of such Amended Complaint would be deemed to have been filed within the Committee Challenge Period if it is filed on or before April 24, 2023.

9. On April 13, 2023, this Court entered an *Order Granting Stipulation to Extend Deadline to File Amended Intervenor Complaint and Respond to Complaints* [ECF No. 33].

10. The Parties further met and conferred and agreed to extend the deadline for the filing of the Amended Complaint up to and including May 1, 2023, and agreed that the filing of such Amended Complaint shall be deemed to have been filed within the Committee Challenge Period if it is filed on or before May 1, 2023.

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1 11. The Parties have met and conferred and also agreed to extend the Response
2 Deadline for the Empery Parties to file an answer of otherwise respond to the Complaint and/or
3 the Amended Complaint, as applicable, to 30 days after the filing of the Amended Complaint.

4 **IT IS SO STIPULATED.**

5 Dated this 24th day April, 2023.

6 LARSON & ZIRZOW LLC

SHEA LARSEN

7 /s/ Jason H. Rosell

8 Matthew C. Zirzow
9 Zachariah Larson
9 850 E. Bonneville Ave.
10 Las Vegas, NV 89101

11 -and-

12 PACHULSKI STANG ZIEHL & JONES LLP
12 John D. Fiero
13 Jason H. Rosell
13 One Sansome Street, 34th Floor, Suite 3430
14 San Francisco, CA 94104

15 *Counsel to the Official Committee of Unsecured Creditors* -and-

16 GARMAN TURNER GORDON LLP

17 /s/ William M. Noall

18 Gregory E. Garman
19 William M. Noall
19 Teresa M. Pilatowicz
20 Dylan T. Ciciliano
20 7251 Amigo Street, Suite 210
21 Las Vegas, Nevada 89119
21 *Attorneys for the Empery Parties*

7 /s/ Jeffrey D. Sternklar

8 James Patrick Shea
9 Bart K. Larsen
9 Kyle M. Wyant
10 1731 Village Center Circle, Suite 150
10 Las Vegas, Nevada 89134

11 -and-

12 JEFFREY D. STERNKLAR LLC
12 Jeffrey D. Sternklar, Esq.
13 101 Federal Street, Suite 1900
14 Boston, Massachusetts 02110

15 MURPHY & KING, P.C.
15 Charles R. Bennett, Jr.
16 Harold B. Murphy
16 28 State Street, Suite 3101
17 Boston, Massachusetts 02109

18 *Attorneys for Plaintiff White Winston
19 Select Asset Funds, LLC*